IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1002 of 2000

Between:

M/s. Fazal Water Meter & Sanitary Works, Rep. by its Proprietor Mr. Mohd. Yahya,
S/o. Late Mr. Mohd. Afzal, R/o. D.No.5-3-844,
Malakunta Road, Hyderabad.

..... PETITIONER

AND

1 The Engineer-in-Chief, Public Works Department (R & B),
Government of Andhra Pradesh, Office at Erram Manzil,
Hyderabad.
2 The Superintending Engineer, Public Works Department (R & B),
Government of Andhra Pradesh, Head Quarter Circle,
Khairatabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, more appropriately a Writ of Mandamus declaring the action of First and 2nd Respondents for allotting the works contract to the un-qualified persons is ultra-vires and illegal, or to pass any other or orders as deem fit and proper in the circumstances of the case, in the interest of justice and equity.

Counsel for the Petitioner:MR.A.M.QURESHI

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following :

ORAL ORDER:

This writ petition is filed, seeking a writ of Mandamus, to declare the action of the 2nd respondent, in allotting the water and sewerage works to unqualified persons, as illegal.

Mainly, it is submitted by the learned counsel for the petitioner that during the year 1999-2000, the Executive Engineer, R&B, South Buildings Division, Hyderabad, issued tender notice, inviting sealed tenders for execution of certain works, which include the works relating to replacing water supply line and repairs to damaged drainage lines. It is the submission of the learned counsel that, as per the standard specifications, these works have to be attended only by the licenced contractors, but the respondents have allotted the same to un-licenced contractors.

In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner is not a registered plumber and he is not having permanent licence. Further, it is stated that the plumbing licence issued by the Chief General Manager (Engg), Operation and Maintenance, Circle No.1, has expired on 31.3.1999. Even thereafter, without getting it renewed, it is stated, that the petitioner is applying for the works, without possessing valid licence. It is further stated that the rules pertaining to the Hyderabad City Water Supply Rules, 1976, which are also referred to by the

petitioner in support of his case, are not in force.

In this case, it is to be seen that there is no specific allegation of allotting any work to an un-licenced contractor. Merely because a notice was issued inviting tenders, this writ petition is filed. Moreover, it is stated in the counter affidavit that the petitioner is not even a registered contractor on the rolls and also did not possess valid licence. In view of the general allegations made by the petitioner, no relief can be granted to the petitioner as prayed for.

This writ petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

5.7.2005

CVM

To,

1 The Engineer-in-Chief, Public Works Department (R & B),
Government of Andhra Pradesh, Office at Erram Manzil,
Hyderabad.
2 The Superintending Engineer, Public Works Department (R & B),
Government of Andhra Pradesh, Head Quarter Circle,
Khairatabad, Hyderabad.

3. 2 CCs to G.P. for Roads and Buildings, High Court buildings, Hyderabad (OUT).

4. 2 CD copies.